IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1360 OF 2005

Shri Rajendra Mahadev Sakpal ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.P.M.Mokashi for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 1, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Insofar as the Applicant is concerned, prosecution case is that the Applicant had recommended giving vehicle in question to accused Vijay for enabling him to go to Ekvira Devi and return back. Even in the past, the Applicant had made similar request which was acceded to. The

Applicant is engaged in business of tours and travels and organises such packages. There is nothing to suggest that the Applicant himself was involved with the episode that took place thereafter when the vehicle was taken away by the accused Vijay and others. The Applicant is already in judicial custody and his presence is not necessary for the investigation of the case, as is recorded by the lower Court in order dated 27th January 2005 at page 22 of the paper-book. The fact that co-accused are not traceable, cannot be the basis to refuse bail to the Applicant, whose role is limited, of introducing the party to the vehicle owner. Accordingly, the Applicant is directed to be released on bail on the following conditions:

(a) The Applicant is released on bail in connection with C.R.No.I-12 of 2005 registered with Vishnu Nagar Police Station, Dombivli, District Thane, on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with one or two sureties in the like amount.

(b) Applicant shall report to the concerned Police Station twice a week on Wednesday and Saturday between 5.00 p.m. and 7.00 p.m. till the charge-sheet is filed and thereafter, on first Saturday of every English Calender month till pendency of the trial.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

3. Application disposed of on the above terms.

A.M.KHANWILKAR, J.